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J. Peter Bragg

ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION

In Re Applications of:)	MM DOCKET No.: WT97-199
)	
WESTEL SAMOA, INC.)	File No.: BPH-8805050A
)	
WESTEL, L.P.)	File No.: BPH-8805050J
For Broadband Block C)	
Personal Communications)	
Systems Facilities)	

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Date: November 16, 1998

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Suite 201
FCC Building
2000 L Street, N.W.
Washington, D.C.

Monday,
November 16, 1998

The parties met, pursuant to the notice of the
Judge, at 9:40 a.m.

BEFORE: HON. ARTHUR I. STEINBERG
Administrative Law Judge

APPEARANCES:

On behalf of Westel Samoa, Inc.; Westel, L.P.;
Quentin L. Breen:

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On Behalf of Federal Communications Commission:

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I N D E X

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Hearing Began: 9:40 a.m.

Hearing Ended: 3:08 p.m.

1 P R O C E E D I N G S

2 JUDGE STEINBERG: OK, we're on the record now.

3 This is the date that I set for the commencement of the
4 hearing in WT docket number 97-199 in the event that we did
5 not have an executed settlement agreement. And I just
6 wondered if someone could report to me as to what the status
7 of the settlement agreement was. I know that there'd been a
8 draft, and then it was finalized, and that it had a lot of
9 signatures, but not all. So if somebody could just give me
10 a status...

11 MR. CARROCCIO: Your Honor, I think that maybe the
12 easiest thing would be to go around the table. I will tell
13 that from the perspective of both Westels and Mr. Breen,
14 there has been negotiated an extensive settlement agreement,
15 what I would call a global settlement agreement, in this
16 proceeding, which references and incorporates other
17 agreements, including release agreements and agreements as
18 to the resolution of the Romulus Dissolution proceeding,
19 which is ongoing in Puerto Rico. All of the parties to this
20 proceeding before you are parties to this global settlement
21 agreement. There are additional parties, also, who have
22 reviewed and have indicated their acquiescence with the
23 settlement agreement. The settlement agreement has been
24 circulated from the perspective of the two Westels and Mr.
25 Breen, I can report to you at this time that those

1 agreements have been signed in facsimile, delivered back to
2 me, all three of the agreements requiring signature at this
3 time by the Westel parties or Mr. Breen, have in fact been
4 signed. I believe that the other parties to this proceeding
5 will give you similar reports on behalf of their, of the
6 parties they represent.

7 JUDGE STEINBERG: OK, let me go to Mr. Singh.

8 MR. SINGH: I have...

9 JUDGE STEINBERG: Has ClearComm signed it?

10 MR. SINGH: Pardon me?

11 JUDGE STEINBERG: Has...

12 MR. SINGH: Yes, I have with me facsimile
13 signature pages of ClearComm and Supercoat.

14 JUDGE STEINBERG: On behalf of Mr. Easton? Has
15 Mr. Easton signed?

16 MR. LYONS: Yes, Your Honor. Mr. Lukas and I
17 spoke with Mr. Tanke earlier this morning, who informed us
18 that we have gotten the signatures to the agreements from
19 the California party. There are, I'll say a couple, there
20 may be more than a couple, but there are some signatures
21 that need to be obtained from parties in Puerto Rico, and we
22 have no reason to believe that we won't have them, it's just
23 that there were delays in getting the document to Puerto
24 Rico, and in getting it back. And the parties, including
25 the counsel for Mr. Easton in Puerto Rico, need to speak

1 with their client and obtain authorization to sign. And we
2 expect that to occur today.

3 JUDGE STEINBERG: OK. Now, Mr. Breen had
4 something that had to be done in Puerto Rico, too.

5 MR. CARROCCIO: Your Honor, as far as Mr. Breen's,
6 the Breen Family Trust, the trustee of the Breen Family
7 Trust, has not yet executed, but the Breen Family Trust is
8 not a party to the proceeding before you.

9 JUDGE STEINBERG: But that's a condition of the
10 agreement.

11 MR. CARROCCIO: It is an ultimate condition of the
12 agreement. We anticipate no problem with having the
13 trustee, it is more a mechanical, logistical issue than
14 anything else.

15 JUDGE STEINBERG: OK. And...

16 MR. CARROCCIO: And, Your Honor, you should also
17 know, along those lines, that the parties have drafted
18 various settlement, or, I'm sorry, various pleadings for
19 courts and arbitration panels terminating the civil
20 proceedings amongst the various parties. Those are in
21 circulation to the respective attorneys to execute for
22 submission to the appropriate tribunal. Those have not yet
23 been executed, but again, at least from the Breen, Westel
24 perspective, we anticipate absolutely no problem, other than
25 mechanics and logistics.

1 JUDGE STEINBERG: OK, and on behalf of the
2 Wireless Bureau?

3 MS. LANCASTER: Wireless Bureau has executed the
4 settlement, Your Honor.

5 JUDGE STEINBERG: OK, so basically the four
6 parties that I was primarily concerned with have executed
7 this settlement. And nobody anticipates any problem with
8 getting whatever additional signatures are needed very
9 shortly. Is that correct?

10 MR. CARROCCIO: That is correct from our
11 perspective, Your Honor.

12 JUDGE STEINBERG: Now, where do we go from here?
13 Let me just say that I want to commend everybody,
14 congratulate everybody and thank everybody for doing what
15 was necessary to reach a settlement in this proceeding, and
16 in all the other proceedings. I think I said this before
17 off the record, and I'll it on the record, I think that this
18 is the best possible resolution of the case from public
19 interest standpoint. Namely, we let ClearComm and Mr. Breen
20 and the Westel parties commence constructing and operating
21 their facilities and affording service to the public
22 probably years before that would have been possible
23 otherwise. We end lots and lots of litigation, and that's
24 not only good from the Commission's perspective but it's
25 also good from the individual's perspective. Mr. Easton can

1 now basically get on with the rest of his life, and having
2 put this behind him, I'm sure it will be... he might not
3 like the settlement, but I don't think he would have liked
4 an endless years and years and years of litigation. And
5 from the public's perspective, and the Bureau's perspective,
6 and the Commission's perspective, we save a whole lot of
7 public resources that could be put to other uses. I'm not
8 saying better uses, but I'm just saying other uses. So I
9 just want to express my appreciation for all the hard work
10 that's gone into this. I know it hasn't been easy, and I
11 know, hopefully nobody is happy with everything, except for
12 me.

13 Now, where do we go from here? I know there is a
14 joint request that needs to be filed, but that, the time
15 period for filing that doesn't start running until we get
16 all the signatures, until the settlement agreement is
17 absolutely complete. Is that all that's left?

18 MR. CARROCCIO: Your Honor, we believe that it's
19 certainly the next step. I would suggest that, while we
20 would love to have all of the signatures at the time we
21 present the agreement to Your Honor for approval, that if we
22 are all sufficiently comfortable with the status of things,
23 we may get it to you formally in advance, and then
24 supplement signatures at a later date, in order to simply
25 get the procedures rolling and to allow Your Honor to

1 address it at the earliest possible time.

2 JUDGE STEINBERG: All right, so basically you
3 would file a joint request a little early, and give me a
4 chance to work up something, and then, but it wouldn't, and
5 then you'd file a supplement informing me that the other
6 signatures have been obtained, and then I would modify, if
7 necessary, anything that I was writing so that... OK. That
8 sounds fine.

9 MR. SINGH: And subject, of course, to the
10 understanding that if all the signatures are not obtained
11 for some reason, which we don't think is likely, but...

12 JUDGE STEINBERG: Then I don't act. But I suppose
13 you'd notify me in that case.

14 MR. SINGH: Of course.

15 JUDGE STEINBERG: So I could intervene again. OK.

16 MS. LANCASTER: Your Honor, I would request that
17 we have some time frame in which these additional signatures
18 can be expected.

19 JUDGE STEINBERG: How about early this week?

20 MS. LANCASTER: I would just like to hear from the
21 parties that still have signatures to obtain when they think
22 they will have them.

23 MR. LYONS: Mr. Tanke thought that the Puerto
24 Rican parties would be able to sign today. I have to add
25 the big caveat that we certainly had trouble getting action

1 out of Puerto Rico, and I wouldn't hold my breath on that,
2 but I have been told to expect it today.

3 JUDGE STEINBERG: Would it be helpful if I set a
4 date? And said that the additional signatures have to be
5 obtained by Wednesday?

6 MR. CARROCCIO: Your Honor...

7 MR. LYONS: Probably not, but...

8 MR. CARROCCIO: I would certainly say by week's
9 end would be a, by the end of this week, would certainly be
10 a good limitation on that, Your Honor. I would also mention
11 that we have been informed that the, I'm trying to remember,
12 I believe it's the Circuit Court or the Supreme Court in
13 Puerto Rico, the judge, the presiding judge in the Romulus
14 Dissolution proceeding has called a status conference for
15 this Wednesday. We anticipate that many of the attorneys in
16 Puerto Rico whose signatures are necessary will be in
17 attendance at that session, and we think that's going to be
18 an opportunity any laggard signatures. So I would say
19 Thursday or Friday is a better date for a deadline.

20 JUDGE STEINBERG: So why don't the four of you hop
21 on a plane Tuesday evening...

22 MS. LANCASTER: That would be fine with me, Your
23 Honor, if you could get the FCC to agree to it.

24 JUDGE STEINBERG: Well, this is an auction
25 proceeding, I thought they...

1 MS. LANCASTER: That's true.

2 JUDGE STEINBERG: ...I thought they agreed you
3 could do anything in an auction proceeding, unlimited
4 budgets and all that. Let the record reflect -- and you
5 could probably pay for even the Judge to go down there.

6 MS. LANCASTER: That's perfectly all right with
7 me.

8 JUDGE STEINBERG: Check with Gary.

9 MR. CARROCCIO: Your Honor, I would suggest that
10 the more appropriate time for that would be at such time as
11 you're ready to issue the ruling, it would be a little later
12 into the bad weather.

13 JUDGE STEINBERG: Just as long as it's beyond
14 hurricane season. OK. Why don't I set a date for Friday,
15 as to when the initial signatures must be obtained, so that
16 you can basically use that as a club for your own purposes
17 in... I'm not going to issue a written order on it, it'll
18 just be an oral order.

19 MR. CARROCCIO: Your Honor, might I ask if we go
20 off the record for a couple of minutes, to discuss the
21 proofs that we would be making in the presentation to you
22 of, have some procedural discussions?

23 JUDGE STEINBERG: OK. Does everybody agree to
24 that? Or do you want to do it on the record? Why don't we
25 go off the record.

1 MR. CARROCCIO: We can always come back on.

2 JUDGE STEINBERG: Right.

3 (Whereupon, the hearing went off the record at
4 9:53 a.m. to reconvene on the record 10:12 a.m.)

5 JUDGE STEINBERG: OK, we're back on the record.

6 While we were off the record we discussed basically where we
7 go from here. And it was decided that we would reconvene at
8 2:30 p.m. today, at which point Mr. Carroccio, on behalf on
9 Mr. Breen and the Westel parties, would identify and offer
10 into evidence certain exhibits for the purpose of resolving
11 issue 3. Is that correct, Ms. Lancaster?

12 MS. LANCASTER: Yes, sir.

13 JUDGE STEINBERG: And Mr. Lyon?

14 MR. LYONS: Yes, sir.

15 JUDGE STEINBERG: And Mr. Carroccio?

16 MR. CARROCCIO: Yes, sir. Your Honor, the only
17 question I would have is would it also resolve issue 2?

18 JUDGE STEINBERG: No. I'm not touching issue 2.

19 MR. CARROCCIO: OK.

20 JUDGE STEINBERG: And Mr. Singh?

21 MR. SINGH: Yes.

22 JUDGE STEINBERG: OK. Issue 2 is basically a, I
23 view it as a factual issue. And the last clause of issue 3
24 is whether Westel Samoa, Westel LP and I think we added Mr.
25 Breen when he came in as a party, I think I said, you asked

1 me to enlarge that issue, and I said I don't need to because
2 it's implicit.

3 MR. CARROCCIO: Correct.

4 JUDGE STEINBERG: Whether they possessed the
5 requisite character qualifications and whether granting
6 their application can serve the public interest, convenience
7 and necessity. And I think a favorable resolution to that
8 implicitly would be a favorable resolution to issue 2, but I
9 don't want to do issue 2. I don't want to specifically
10 address it.

11 OK, is there anything further that we need to do?
12 Then I will see you all at 2:30. And again, thank you very
13 much.

14 (Whereupon, the hearing recessed at 10:15 a.m. to
15 reconvene at 2:30 p.m.)

16 JUDGE STEINBERG: We're on the record, and as we
17 agreed this morning, the purpose of meeting here now is to
18 introduce the direct case exhibits of the Westel parties and
19 Quentin Breen. And some joint exhibits dealing with the
20 depositions of certain individuals. Let me turn the floor
21 over to Mr. Carroccio for the purpose of taking care of
22 identifying the exhibits and moving them into evidence.

23 MR. CARROCCIO: Thank you, Your Honor. Your
24 Honor, on August 13, 1998 we delivered to Your Honor and to
25 all other parties in this proceeding a copy of the hearing

1 exhibits of the Westel parties. That consists of a cover
2 page, a table of contents, a 20 page declaration of Quentin
3 Breen, the sponsoring witness, and 11 attachments. Those
4 attachments and the declaration are numbered one through
5 114. I am handing to the court reporter at this time two
6 copies, and original and a copy, of the direct case. The
7 hearing exhibits of the Westel parties are our direct case.
8 I would ask that they be marked for identification and
9 accepted into evidence.

10 JUDGE STEINBERG: OK, the total number of pages I
11 guess would be 116 because you've got the cover sheet and
12 the table of contents.

13 MR. CARROCCIO: That is correct. Your Honor,
14 there are also 11 page dividers, but they're not...

15 JUDGE STEINBERG: No, we don't count those. OK,
16 the document described will be marked for identification as
17 Westel Exhibit A. And the tabs, tabs one through 11, will
18 be similarly marked Westel Exhibit A Tab 1, Tab 2, Tab 3,
19 etc. OK, now, do you want to move... I'll also note that on
20 page 20 of the exhibit, bears the signature of Mr. Breen.

21 MR. CARROCCIO: That is correct, Your Honor. On
22 the basis of Mr. Breen's signed declaration under penalty of
23 perjury, I would move that Westel Exhibit A be entered into
24 the record.

25 JUDGE STEINBERG: Any objection?

1 MS. LANCASTER: No objection, Your Honor.

2 MR. SINGH: No, Your Honor.

3 MR. LYONS: Your Honor, I have no objection, but I
4 want to voice a brief caveat. For the purpose of making a
5 record for you to make a decision on Mr. Breen's
6 qualifications, Mr. Easton has no objection to the admission
7 of the Crawford exhibit. It needs to be understood,
8 however, that were this proceeding to be constituted again,
9 assuming the settlement agreement and the pending settlement
10 is not approved or for some reason we are back here for a
11 hearing, we would want to make it clear that we may have
12 individual objections to portions of the exhibit as they may
13 pertain to Mr. Easton, and certainly do not waive our
14 opportunity for cross examination as to matters involving
15 Mr. Easton. Given that it is the contemplation of the
16 settlement agreement that there would be no need for
17 decision on issue 1 involving Mr. Easton's qualifications,
18 at this time we have no objection.

19 JUDGE STEINBERG: Exhibit, Westel Exhibit A is
20 received.

21 MR. CARROCCIO: Thank you, Your Honor.

22 MS. LANCASTER: Your Honor, Mr. Lyon's comments
23 have made me think that perhaps I need to make a comment
24 along a similar vein regarding all of the exhibits that
25 we're proffering, or that Mr. Carroccio is proffering, that

1 we certainly have no objection to them at this time because
2 they are being offered in support of the settlement that
3 we're going to be asking you to approve. However, should
4 this settlement agreement not become final, we again, we
5 would also like to keep our options open, and we certainly
6 hope that you would allow us to object to any or all of
7 these exhibits like we're back at step one. We're doing
8 this, we're not going to object at this time, with the
9 understanding that this does not waive our right to object
10 at any later date should we need to.

11 JUDGE STEINBERG: OK. I should just explain that.
12 We discussed this briefly before we went on the record, and
13 it was everyone's view that if something should happen and
14 the settlement should not go through, and we have to start
15 the hearing from scratch, then that's what we do. And that
16 the exhibits that we receive into evidence today would, I
17 guess, be... we'll just start again. And so nobody waives,
18 by not objecting today nobody waives any objections that
19 they may wish to raise to any of these exhibits at a future
20 date, should the worst happen.

21 MR. CARROCCIO: Your Honor, I will state for the
22 record that the Westel parties proffered Exhibit A with that
23 understanding and understand the conditions and accede to
24 them.

25 JUDGE STEINBERG: OK. Thank you. Now, does that

1 complete your presentation?

2 MR. CARROCCIO: It does at this time, Your Honor.

3 JUDGE STEINBERG: And now it's my understanding
4 that there are a number of joint exhibits that would like to
5 be offered?

6 MR. CARROCCIO: That is correct. And I believe
7 Ms. Lancaster is ready to make the joint submissions on
8 behalf of the Bureau and the Westel parties.

9 MS. LANCASTER: That's right. Your Honor, the
10 first exhibit that I would like to offer will be a joint
11 exhibit by Mr. Breen and the Bureau, and I am presenting two
12 copies to the Court Reporter and one copy for you. And it
13 is a deposition of Mr. Quentin Breen that was taken on
14 December 12th, 1997, and ask that it be identified for the
15 record and admitted.

16 JUDGE STEINBERG: OK. I'm not going to count the
17 pages. The document described will be identified as Joint
18 Exhibit 1.

19 MS. LANCASTER: The next...

20 MR. CARROCCIO: Excuse me Your Honor...

21 MS. LANCASTER: I'm sorry.

22 JUDGE STEINBERG: I guess we'll offer them one at
23 a time. Is there any objection to the receipt of Joint
24 Exhibit 1?

25 MR. SINGH: No, Your Honor.

1 MR. LYONS: Subject to my previous caveat, no,
2 Your Honor.

3 MR. CARROCCIO: And Your Honor, I believe that...

4 JUDGE STEINBERG: It's a joint, it's part of
5 your...

6 MR. CARROCCIO: It is joint, and under the
7 circumstances, we obviously join in.

8 JUDGE STEINBERG: OK, Joint Exhibit 1 is received.

9 MS. LANCASTER: The next Exhibit, Your Honor, I
10 think you have my other copy of this, is, are excerpts from
11 the deposition of Quentin Breen that was taken on June 25th,
12 1998. And I apologize, I have not counted the pages of
13 this. I'm presenting two copies of that to the court
14 reporter for identification. I will be happy to count the
15 pages, if you would like me to.

16 JUDGE STEINBERG: No, that's OK. We'll just...

17 MS. LANCASTER: OK.

18 JUDGE STEINBERG: However many pages it is. And
19 this is...

20 MS. LANCASTER: Basically, Your Honor, this
21 excerpt is the Bureau's examination of Mr. Breen at that
22 time.

23 JUDGE STEINBERG: OK, the document described will
24 be marked for identification as Joint Exhibit 2. Any
25 objection to its receipt?

1 MR. SINGH: No, Your Honor.

2 MR. LYONS: Subject to my previous caveat, no,
3 Your Honor.

4 JUDGE STEINBERG: Joint Exhibit 2 is received.

5 MS. LANCASTER: The next exhibit that we'd like to
6 offer is the deposition of Rosalind Makris which was taken
7 on February 6, 1997, and I'm presenting two copies to the
8 court reporter for identification purposes.

9 JUDGE STEINBERG: Thank you.

10 MS. LANCASTER: This was the only deposition that
11 was taken of Ms. Makris, Your Honor.

12 JUDGE STEINBERG: The document described will be
13 marked for identification as Joint Exhibit 3. Any
14 objections to its receipt?

15 MR. SINGH: No, Your Honor.

16 MR. LYONS: Subject to my previous caveat, no,
17 Your Honor.

18 JUDGE STEINBERG: Joint Exhibit 3 is received.

19 MS. LANCASTER: The next exhibit that I'd like to
20 offer is the deposition of Cynthia Hamilton, which was taken
21 on November 21st, 1997. I'm presenting two copies to the
22 court reporter and a copy to yourself.

23 JUDGE STEINBERG: The document described will be
24 marked for identification as Joint Exhibit 4. Any
25 objections to its receipt?

1 MR. SINGH: No, Your Honor.

2 JUDGE STEINBERG: Mr. Lyon?

3 MR. LYONS: Subject to my previous caveat, no,
4 Your Honor.

5 JUDGE STEINBERG: Joint Exhibit 4 is received.

6 MS. LANCASTER: The last exhibit that I would like
7 to offer are excerpts from the deposition of Cynthia
8 Hamilton which was taken on July 14th, 1998. The exhibit
9 itself consists of 10 pages. It consists of the first few
10 pages of the deposition which identify the deposition and
11 the exhibits, and it also has the signature and
12 certification pages on the back of it, but basically it is
13 page 71 and 72 of the text of that deposition.

14 JUDGE STEINBERG: Why don't you let me see a copy
15 of it.

16 MS. LANCASTER: OK. He said he didn't need a
17 copy, so I'm not sure I...

18 JUDGE STEINBERG: I'm just writing down...

19 MS. LANCASTER: I'd be happy to give you another
20 copy of the full deposition if you'd like to just be able to
21 mark on it, Your Honor.

22 JUDGE STEINBERG: No, I think that would be a
23 waste of paper.

24 MS. LANCASTER: OK.

25 JUDGE STEINBERG: You know, this is... you know

1 what, I've got the wrong one.

2 MS. LANCASTER: OK.

3 JUDGE STEINBERG: Oh. No, no. I did have it. I
4 was looking at Mr. Breen's deposition, and the pages didn't
5 look the same, and that's obviously why.

6 I'm just making sure I've got the same... this one
7 fell out. I'll have to restaple.

8 Now, why are... oh.

9 OK, let me note for the record that the copies of
10 the excerpts that are in the record are not executed by Ms.
11 Hamilton or by the court reporter, and I have in front of me
12 a file copy of the deposition of Cynthia Hamilton which was
13 filed with the Commission on September 23rd, 1998, and my
14 copy shows that Ms. Hamilton, it's got the signature of Ms.
15 Hamilton. It was executed on the 19th day of August, 1998
16 in San Mateo, California. So, it has been executed by Ms.
17 Hamilton. And the report's certificate which, in the
18 exhibit is not signed, was in fact signed by the reporter,
19 whose name is spelled there, but it's not dated.

20 MS. LANCASTER: Yes, sir, I was going to address
21 that. Unfortunately, because of the time constraints, I was
22 unable to determine which ones have been filed and which
23 haven't, because the computers at the Commission are down
24 this afternoon, and they've moved those particular offices
25 over to the Portals. So, I was just going to have to find

1 that out and let you know.

2 JUDGE STEINBERG: OK. Let me just, the excerpts of
3 the Cynthia Hamilton deposition dated June 25th, 1998 is the
4 cover page, which is page 1, then there's page 2, page 3,
5 page 4, page 5, page 6, pages 71 and 72 and page 226, and
6 then the reporter's certificate, which is unpaginated but it
7 follows Cynthia Hamilton's certificate. And those excerpts
8 are marked for identification as Joint Exhibit 5. Any
9 objection to their receipt?

10 MR. SINGH: No objection, Your Honor.

11 JUDGE STEINBERG: Mr. Lyon?

12 MR. LYONS: Subject to my previous caveat, no,
13 Your Honor.

14 JUDGE STEINBERG: OK, then Joint Exhibit 5 is
15 received. OK, I already put on the record that Ms.
16 Hamilton's deposition was, her July 14th, '98 deposition was
17 filed with the Commission on September 23rd, 1998. Let me
18 also put on the record the, this has got to do with Joint
19 Exhibit 2. The Quentin Breen June 25th, 1998 deposition,
20 that was filed with the Commission on September 11th, 1998.
21 And... OK, I don't have Mr. Breen's signature on this one.
22 I mean, Mr. Carroccio would have to represent that he did,
23 in fact, sign it.

24 MR. CARROCCIO: Your Honor, I do not know if, in
25 fact, it was signed and returned by the time it was

1 circulated. I do know we were already off on settlement
2 discussions. But I also believe that Mr. Breen has no
3 objections or material corrections to anything that is
4 reflected there.

5 JUDGE STEINBERG: OK. I don't see that it's a
6 problem. In any event, it has been filed. Does that
7 conclude your presentation?

8 MS. LANCASTER: Yes, sir.

9 JUDGE STEINBERG: OK, is there anything anybody
10 else wants to add to the "record"? Mr. Singh?

11 MR. SINGH: No, Your Honor.

12 JUDGE STEINBERG: Mr. Lyon?

13 MR. LYONS: No, Your Honor.

14 JUDGE STEINBERG: And Mr. Carroccio, you're all
15 finished?

16 MR. CARROCCIO: We are finished, Your Honor.

17 JUDGE STEINBERG: And Mr. Lancaster's finished.

18 MS. LANCASTER: Yes, Your Honor.

19 JUDGE STEINBERG: OK, then at this time I'll close
20 the record. And I'll issue a brief order confirming the
21 fact that the record was closed. The record's different
22 from off the record. OK, now is there anything else that we
23 need to discuss before we recess, preferably forever?

24 MR. CARROCCIO: Your Honor, I don't think there's
25 anything we need to discuss on the record.

1 JUDGE STEINBERG: OK. Mr. Lyon?

2 MR. LYONS: No, Your Honor.

3 JUDGE STEINBERG: Mr. Singh?

4 MR. SINGH: No, Your Honor?

5 JUDGE STEINBERG: And Ms. Lancaster?

6 MS. LANCASTER: No, sir.

7 JUDGE STEINBERG: OK, then we'll go off the record
8 at this time.

9 (Whereupon, the meeting was adjourned at 3:08

10 p.m.)

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REPORTER'S CERTIFICATE

FCC DOCKET NO.: WT97-199
CASE TITLE: In Re: WESTEL SAMOA
HEARING DATE: November 16, 1998
LOCATION: Washington, D.C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: 11/16/98 Carla Wright
Official Reporter
Heritage Reporting Corporation
1220 "L" Street, N.W.
Washington, D.C. 20005

TRANSCRIBER'S CERTIFICATE

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

Date: 11/20/98 Elizabeth DiNorma
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PROOFREADER'S CERTIFICATE

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date: 11/20/98 Lorenzo Jones
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